

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Thomas J. Squirek,)
Plaintiff,) Case No. 3:24-cv-206
vs.) **ORDER**
United States Bureau of Indian Affairs and)
the United States,)
Defendants.)

Plaintiff Thomas J. Squirek, proceeding without counsel, initiated a civil action against the Bureau of Indian Affairs (BIA) and the United States seeking return of property seized by law enforcement agents pursuant to a search warrant. (Doc. 1). On October 25, 2024, Squirek submitted a document stating he had personally served the BIA and the United States on October 15, 2024, at the “B.I.A. Fort Totten Agency c/o Vina Janis – Deputy Superintendent.” (Doc. 10, p. 1). However, service in that manner is insufficient.

Service on the United States

Federal Rule of Civil Procedure 4(i)(1)(A) and (B) governs service on the United States. To serve the United States, a plaintiff must

(A)(i) [personally] deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or

(ii) send a copy of [the summons and of the complaint] by registered or certified mail to the civil-process clerk at the United States attorney’s office; [and]

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C. . . .

Fed. R. Civ. P. 4(i)(1)(A) & (B) (emphasis added).

Service on the BIA

Federal Rule of Civil Procedure 4(i)(2) governs service on a United States agency, such as the BIA. “To serve a United States agency[,] . . . a party must serve the United States,” as described above, “and also [must] send a copy of the summons and of the complaint by registered or certified mail to the agency” Fed. R. Civ. P. 4(i)(2) (emphasis added).

Conclusion

Squirek must serve the BIA and the United States with copies of the summons, amended complaint, and motion for a hearing through the methods described above. He must file proof of service with the court by **January 13, 2025**. See Fed. R. Civ. P. 4(m) (stating a complaint may be dismissed if it is not served within 90 days of it having been filed). Failure to do so may result in dismissal of any defendant who is not properly served.

IT IS SO ORDERED.

Dated this 30th day of October, 2024.

/s/ Alice R. Senechal

Alice R. Senechal
United States Magistrate Judge